

## **NHTSA – Sponsored Ignition Interlock Conference**

These are some notes in regards to attendance at the NHTSA – Sponsored Ignition Interlock Conference, December 7 – 8, 2010, Seattle, WA.

### **Presentation Notes**

Dr. Roth is the primary researcher, ignition interlock program designer and NM legislative drafter. His Power Point presentation notes will be available via NHTSA.

Dr. Roth presented a broad array of statistical information confirming that when the ignition interlock is in use, recidivism for impaired driving is reduced by 50 – 90%.

Nationally, one in seven convicted DUI offenders install ignition interlock.

New Mexico – Two million citizens – roughly two times the number of licensed drivers as in MT - 12,000 ignition interlocks installed. This NM number is based upon the addition and subtraction of about 8,000 – 9,000 ignition interlock clients annually. As of the conference date, MT has 338 ignition interlock devices in use (four approved vendors); ID has 670 in use.

New Mexico – by requiring ignition interlock for all offenders, the state has experienced a 30% reduction in DUI fatalities.

Consistent with recommendations made by Debra Coffey, the WA program is defined in state administrative rules and program obligations are assigned to the WA State Patrol. The WA ignition interlock program includes increased reporting, DMV monitoring of and response to “no start” data including a tally of offender months alcohol free, routine inspections of vendors / installers, routine law enforcement inspection of offenders with interlock installed, and lab monitoring of ignition interlock devices in-use.

All of the presenters questioned whether DWLSR is still an effective tool. The oft-cited statistic is that 70% – 80% of suspended or revoked drivers continue to drive.

The goal frequently stated in support of increasing installation of ignition interlock is to “eliminate hoops” for suspended or revoked drivers, allowing them to drive lawfully with ignition interlock ASAP. This should not be viewed as a sell-out. Regulators and adjudicators are obligated to “triage sanctions” that unwisely restrict driving with interlock such as fees, hard suspension, “sit out periods”, other time periods, probationary driver license restrictions, etc.

Other enhancements were recommended such as elimination of ignition interlock install requirements in work vehicles: Work Vehicle Exceptions.

Smart Start: ARM standards should be established by states. Fuel Cell Ignition Interlock Devices only should be permitted (no Taguchi semi-conductor sensor models

due to likelihood of false positives); admin, monitoring and **indigent programs** should be funded by additional fees paid by offenders (surcharges per month per device).

There is support for a Fuel Cell only regulation in MT. This is due to the false positive / unreliable sensor reporting issue associated with Taguchi Sensor Models as a primary reason why MT judges currently do not assign the restriction. (Follow-up confirmation – only Fuel Cell sensor models are used by currently approved Montana vendors.)

The NHTSA – MADD – Smart Start Coalition made many recommendations. This included a recommendation that refusing drivers (Implied Consent / P.A.S.T) be able to drive lawfully ASAP after installation of ignition interlock.

## HB 637 Revise interlock requirements for DUI

HB 637 relies upon an approach to reducing impaired driving that has been endorsed by both Mothers Against Drunk Drivers (MADD) and the National Highway Traffic Safety Administration (NHTSA) and is consistent with the 24/7 Sobriety Program.

With interlock restricted driving, significant reductions can be made to alcohol related traffic fatalities. Encouraging results have already been achieved in New Mexico, Alaska and Washington State.

### Prohibit Impaired Driving

The goal of HB 637 is not to prohibit all driving, but to permit necessary driving while reducing impaired driving through use of ignition interlock or participation in a sobriety program.

HB 637 authorizes an Interlock-Restricted Probationary Driver License during a period of driver license suspension for those persons who are convicted of 1<sup>st</sup>, 2<sup>nd</sup> or subsequent offenses of DUI / BAC and for those persons who refuse alcohol testing under MCA § 61-8-402.

Annually there are about 6626 persons convicted of DUI / BAC offenses in MT (2008, 2009, 2010 conviction reports to the Motor Vehicle Division). Based upon law enforcement reports, an annual average of 2856 individuals refuse a required alcohol test. This includes 2570 persons who refuse for the first time and 286 who refuse for the second or subsequent time.

HB 637 requires that those who refuse a required alcohol test must be restricted to ignition interlock in order to obtain a probationary driver license. This bill also:

- ✓ Requires Montana Courts of Limited Jurisdiction to restrict offenders convicted of DUI / BAC offenses to either participate in a sobriety program or drive only a vehicle equipped with an interlock ignition device during the period of a license suspension; and
- ✓ Raises the Alcohol Reinstatement Fee required under MCA § 61-2-107 to \$300 and establishes an Ignition Interlock Device Account – Indigence Determination.

#### Three-Year Average Annual Reinstatement Fees Paid (2008 – 2009 – 2010)

**\$200 Alcohol Reinstatement Fee – Average Annual Paid - \$1,109,400**

5547 Offenders Pay \$200

**\$100 Non-Alcohol Reinstatement Fee – Average Annual Paid - \$548,200**

5482 Offenders Pay \$100

Projected Increase in Fees if the Same Number of Offenders Pay:

New \$300 Alcohol Fee

5547 X \$300 = +\$554,700

New \$200 Non-Alcohol Fee

5482 X \$200 = +\$548,200

Total Increase (Equal Number of Offenders) = \$1,102,900

5482 X \$200 = +\$548,200

Sponsor Sue Malek

My Brother's response to proposals for DUI legislation in Montana:

Doesn't it seem interesting that the first thought is Regulate alcohol. I think we can see from Prohibition that regulating does not work. If the government only allows purchasing alcohol one day a week, there would be a huge demand for alcohol sales that day, it would seem to me.

My experience is with the State of Washington and their laws from 9 years ago. Since then Washington's laws have become tougher on the DUI offender.

I was arrested for a DUI after blowing above the legal limit of 0.08 in the state of Washington. I did not refuse the breath test. If I would have refused, it would have meant immediate suspension of my driver's license and I would still have been charged with a DUI.

My court hearing was not for a few weeks after the arrest and I was able to drive with a driver's license that had a hole punched in it. I was advised by my attorney that I had two choices, plead guilty and take deferred prosecution or plead not guilty and possibly lose my license for 2 yrs. Either way I was to have this thing called a breathalyzer (interlock) device installed in my car.

I chose the deferred program, 5 yrs probation and 2 yrs in alcohol treatment and I would keep my driver's license. I was court ordered to have an interlock device installed in ANY vehicle that I operated. No exceptions. I had an independent company install the interlock device on my car. I hated the thing at first, it was so embarrassing. I had to blow into the device to start my car and then the device would require random checks while I was driving. Periodically, I had to blow into the device as I drove. I had to have the device in my car for one year and it was checked every 3 months by the company I used and a report was sent to my probation officer. After about 3 months, I got used to having the device and it was not that hard to operate. I only had a few problems. Once I used a mouthwash and failed to be able to start my car. I waited 10 min and retook the test and drove off.

As someone who drove many times under the influence of alcohol and subsequently was sentenced to use this device for one year, I can tell you that I am now glad I had it. It kept me from drinking. It helped keep me sober. And now, I have been sober for 9 years.